

May 24, 2022

Town Moderator Greg Christiana
Town of Arlington
730 Mass Avenue
Arlington, MA 02476

Re: Please vote “No” on Article 38.

Dear Town Meeting Members,

I am a zoning and land use attorney, and a Town Meeting Member from Precinct 8. I am writing to ask you to vote “No” on Article 38, which would permit the construction of two-family dwellings in our single-family zoning districts, effectively ending single-family zoning in Arlington. The potential impacts of Article 38 have not been professionally studied or analyzed to identify unintended consequences, which are highly likely in a zoning change this consequential. Based on my 20 years of experience in residential zoning matters, my opinion is that Article 38 is likely to encourage the construction of more unaffordable, seven-figure luxury condominium duplexes in place of starter homes, exacerbating the affordability crisis in our Town and the region. For the reasons I explain below, this would be bad public policy for Arlington.

As part of my law practice, I have acted as special town counsel to advise municipalities on matters related to affordable housing projects. I was also a member of Arlington’s Residential Zoning Study Group (the “RSG”) during its entire three-year existence, from 2016-2019. Town Meeting formed the RSG to study the impacts of new construction in the residential zoning districts, and to recommend potential zoning changes. The RSG surveyed Arlington neighborhoods with large numbers of teardowns/rebuilds, and received input from developers, residents, realtors and members of Inspectional Services. RSG members developed a consensus that many proposed zoning changes could easily have negative unintended consequences, and that it was important to study and review new zoning changes with all stakeholders.

My biggest take-away from serving on the RSG was that mid-level or more affordable single-family houses located in the 2-family zones are targeted for teardown and replacement with vastly more expensive luxury duplexes. For example, a single-family home would be sold for \$600-\$700,000, only to be replaced by two units in a duplex selling for \$900,000 to more than \$1 million dollars each.

The replacement of less-expensive single-family homes with luxury duplexes is bad for Arlington from a public policy perspective. It increases our affluent population, puts upward pressure on the value of nearby homes, and ultimately makes our community less affordable. It also *decreases* housing options in the mid-level price range. Over time, the increase in home values from these new luxury units raises the property taxes for surrounding homes, putting additional burdens on seniors and other lower-income residents, which further drives out lower-income people from our community. Article 38 would greatly exacerbate this trend.

Article 38 will also accelerate our loss of green space, yards, and mature trees, which makes our community less resilient to flood storage and climate change impacts. While on the RSG, I saw that new two-family homes are typically constructed to the maximum size of the building envelope permitted under our zoning bylaw, to increase developer profit and accommodate the square footage necessary for two units. The new tree protection bylaw will not fix these problems, because there will still be too great a financial incentive for developers to just cut the existing trees and pay the fines.

Article 38's proposal to limit the size of each unit to 1,850 square feet of "heated living space" will not mitigate its negative impacts. For the typical-sized lot in the R1 District, it will not prevent large new duplexes from overshadowing surrounding homes. Regardless of the size limitation, however, Article 38 will still create a powerful new economic incentive to replace smaller single-family homes with larger duplexes constructed to the maximum limits.

I also urge you to vote "No" on the Newton amendment, which would eliminate the 1,850 square footage restriction on "heated living space" after 3 years. This amendment would make the new duplexes even more unaffordable, because the potential for future expansion would be factored into the design of the duplexes and the market price at the initial sale. The Newton amendment would create an economic incentive for developers to construct large basements and attics of temporary unfinished space, with everyone's understanding that it could be converted to "heated space" later.

The amendment would also make it easier for two new Accessory Dwelling Units to be added to the duplexes down the line, after owner-occupancy has been established, such that four new units could be built on any lot that is currently occupied by a single-family home. This could dramatically change the built environment of our neighborhoods, with no regard for parking or other density-related concerns. The Newton Amendment does raise a good point about the cumbersome nature of deed restrictions on the new units, but this is yet another reason to vote "No" on the main Article. Again, the unintended consequences of requiring deed restrictions have not been fully vetted.

A zoning change of this magnitude needs to be professionally studied and analyzed by all stakeholders if the Town is to avoid unintended consequences. Two members of the Redevelopment Board voted against Article 38 (the vote was 3-2), based in part on concerns about the lack of data on potential impacts, and the lack of any outreach to the larger community.

The proponents of Article 38 claim that it will result in only a few new duplexes a year, citing statistics from Minneapolis. This is pure speculation, unsupported by any study of a municipality that is comparable to Arlington. Eliminating single-family housing has not been tried in any city or town in Massachusetts. If Article 38 is passed, Arlington would be the first experimental test case.

What the proponents of eliminating single-family housing appear not to appreciate is that Arlington, as an individual town, cannot be separated from the economics of the housing market in the greater-Boston area as a whole. If Arlington alone eliminates single-family zoning, the measure will not put downward pressure on price due to an increased supply of housing. Rather,

Arlington will simply be subjected to the unmitigated pressures of the housing market, which has long favored the high profits that luxury duplexes offer developers. No matter how many new duplexes are built, it will not increase affordable housing in Arlington, because the regional demand for luxury units in Greater Boston will drive our particular market upward. Article 38, in other words, will cause developers to target Arlington for teardowns even more than they already have because of the potential to make enormous profits.

Arlington should not be the “experiment” for eliminating single-family housing in Massachusetts. Instead, new legislation recently signed by the governor shows a way forward to increase multi-family housing on a regional basis, by requiring all communities served by the MBTA to enact multi-family zoning near public transportation stations. This new legislation asks all municipalities to add some density as part of a regional solution to the housing affordability crisis, without putting the burden on any particular town of going it alone or being first, as would occur here. Arlington should give this new legislation a chance to work before adopting untested experiments like Article 38.

For these reasons, I urge you to please vote “No” on Article 38.

Elizabeth Pyle
Town Meeting Member, Precinct 8